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Attorney for Defendant
HECTOR JAVIER MACIAS-VALENCIA

E-FILED - 5/7/09

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Jose Venue)

UNITED STATES OF AMERICA,)	Case No. CR 06-00010-RMW
)	
Plaintiff,)	STIPULATION SETTING
)	RESENTENCING HEARING
vs.)	AND ORDER
)	
HECTOR JAVIER MACIAS-VALENCIA)	
)	Date: Mon. Sept. 8, 2009
Defendants.)	Time: 9:00 a.m.
)	Judge: Hon. Ronald M. Whyte

This case has been remanded to this Court for resentencing for the reasons stated in the Ninth Circuit Court of Appeals Memorandum of Decision filed March 4, 2009 in C.A. Case No. 07-10350. Defendant Hector Macias-Valencia and the government, by and through their counsel, agree and stipulate that the resentencing hearing shall be set before this Court on September 8, 2009 at 9:00 a.m.

The parties agree that they shall file their respective briefs no later than one week in advance of the hearing. Mr. Macias-Valencia is in custody at the FCI in Big Springs, Texas. The government will submit the required documentation and will work together with the U.S. Marshal to have the defendant transported to San Jose for the hearing.

Defense counsel requests that the defendant be brought to the district at least

1 two weeks prior to the hearing to allow counsel and the defendant to confer, and
2 requests that the U.S. Marshal notify defense counsel as soon as Mr. Macias-
3 Valencia arrives in San Jose. The government has no objection to these requests.

4 Both counsel and U.S. Probation Officer Lori Timmons, are available on
5 September 8, 2009.

6 IT IS SO STIPULATED:
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9 DATED: May 1, 2009

/S/ Suzanne A. Luban
SUZANNE A. LUBAN,
Counsel for Hector Macias-Valencia

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11 DATED: May 1, 2009

/S/ John Glang¹
JOHN N. GLANG
Assistant United States Attorney
Counsel for Plaintiff

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26 ¹I hereby attest that I have on file all holograph signatures for any signatures
indicated by a "conformed" signature (/S/) within this efiled document.

/S/ Suzanne A. Luban
SUZANNE A. LUBAN
Counsel for Defendant


UNITED STATES DISTRICT COURT
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For Good Cause Shown, IT IS HEREBY ORDERED that:

1. The resentencing hearing shall be placed on the Court's calendar for September 8, 2009 at 9:00 a.m.;
2. The parties shall file their respective briefs no later than one week in advance of the hearing;
3. The government shall take the necessary steps to arrange to have the defendant transported to San Jose for the hearing, and shall work with the U.S. Marshal to get him here at least two weeks prior to the hearing;
4. The U.S. Marshal shall transport the defendant to the district at least two weeks prior to the hearing, and shall notify defense counsel Suzanne A. Luban by calling her at (510) 832-3555 as soon as Mr. Macias-Valencia arrives in San Jose.

Dated: 5/7, 2009


HON. RONALD M. WHYTE
U.S. District Judge